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November 17, 2022

Via ECF

Hon. Paul Engelmayer
Thurgood Marshall
40 Foley Square
New York, NY 10007

Re: Sanchez v. E.I.G. Auto Salvage, Inc. et al
1:21-cv-08266

Your Honor:

This office represents Plaintiff in the above captioned matter. Due to the failure of Defendants to act in a professional and timely manner, this office is forced to seek an extension for the parties to file the proposed joint trial order. I am forced to seek until November 23, 2022 to provide the joint order. This is the first request. I do not know if Defendants oppose or consent despite requesting that they inform me of their position.

1. Failure to Properly and Timely Translate Documents

As discussed in the court conference, there are hundreds of documents that need to be translated from Spanish to English. Defendants' counsel has failed to timely act with respect to the translation of the documents.

On November 8, 2022, I asked Defendants' counsel how he would prefer to handle the translation of documents. Mr. Whalen suggested that we use the same translator that Mr. Worms frequently uses but did not provide her name. On November 8, 2022, I asked for the individual's name and resume. Mr. Whalen did not respond. Due to the failure of Mr. Whalen to respond, on November 11, 2022, I had to follow up with Mr. Whalen. On Sunday, November 13, at 11:10 PM Mr. Whalen provided the name and resume of the translator. I agreed the following day but to date have not received the translated documents nor do I have any idea when the documents will be translated. I have asked to have the documents translated timely because I want to ensure that they were correctly translated by my bilingual paralegal.

2. Failure to Provide Documents needed for the Joint Order

On Monday, November 14, 2022, I provided Defendants the first draft of the joint order.

Defendants' counsel initially said he would not provide his information until the close of business today. Later on, he promised in the middle of today. This morning I received only the list of Defendants' witnesses and comments to my proposed joint order. I still have not received Defendants' designated deposition testimony nor have I received their exhibits.

I am not being provided with sufficient time by Defendants to respond. Like Defendants and the Court, this is not my only case.

3. Discussion between the Parties as to the Nature of the Extension Request

I anticipate that Defendants will make the argument that this should be a joint request. Initially, Defendants said they would not agree to a joint extension. Later, there was a discussion about a joint extension request. I told Defendants that upon reflection I would do a joint extension request but only under the condition that the Court be informed that the reason for the request was due to the failure of Defendants to timely provide their input to the joint order. Defendants refused and stated that it had to be a neutral request.

Considering the history of Defendants seeking to portray this office in a negative light as it pertains to extension requests, the Court informing the parties of the importance of working together in sequence and the fact that the sole reason for this extension stems from the part of Defendants to meet their responsibilities, I am forced to make this extension request on behalf of Plaintiff.

While mindful of the fact that the Court does not like squabbling between the parties, I think this position is fair.

Respectfully,

/s Jacob Aronauer
Jacob Aronauer
Attorney for Plaintiff

Via ECF
All attorneys on Record

The Court directs counsel for defendants to reply to this letter by November 18, 2022 at 10 a.m., after which the Court will consider plaintiff's counsel's request.

Given that the Court has received this request on the day before the deadline for the joint pretrial order, the Court strongly encourages counsel to be prepared to meet tomorrow's deadline, which has not been extended. SO ORDERED.

Date: November 17, 2022

Paul A. Engelmayer
PAUL A. ENGELMAYER
United States District Judge